

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2006 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 06025 - Tree Service

PROPOSAL: Requested a special permit to construct and operate a Tree Service

LOCATION: South 68th Street and Bennet Road

WAIVER REQUEST: NA

LAND AREA: 11.03 acres, more or less

CONCLUSION: In conformance with the Comprehensive Plan and Zoning. Note, this is dependent on approval of City Change of Zone # 06018 to allow the special permit for a "tree service".

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 6 Irregular Tracts in the SE 1/4 of Section 4, Township 8 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska

EXISTING ZONING: AG Agriculture with a county special permit for a garden center

EXISTING LAND USE: Garden Center (2K Outdoor Living Garden Center)

SURROUNDING LAND USE AND ZONING:

North: farmland, zoned AG Agriculture

South: farmland, zoned AG Agriculture

East: farmland and acreages, zoned AG Agriculture

West :farmland, zoned AG Agriculture

ASSOCIATED APPLICATIONS: none

HISTORY: Change of Zone #06018, now in process, is the text amendment that will allow a tree service by special permit. County special permit # 67 for a garden center approved in 1999 (the Lincoln three mile has now included this property). Changed from AA to AG in the

1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown as Agriculture. This is in Tier II service area.

UTILITIES: Existing well and septic.

TOPOGRAPHY: Along the crest and side of a hill, falling off to the east.

TRAFFIC ANALYSIS: S. 68th is a paved county road. Bennet Road is gravel.

PUBLIC SERVICE: This area is served by the Norris Public School District, the Hickman Rural Fire District, and is in the Norris Public Power service area. County Sheriff.

REGIONAL ISSUES: Location of nonfarm activities.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on or near this site. The soil rating is 5.7. A rating of 1 to 4 is prime. This is not prime agriculture soil.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Farming and one dwelling, or continued use of the garden center.

ANALYSIS:

1. This special permit is for a tree service on an 11.03 acre parcel, under the provisions of 27.63.770 (proposed). This will take access off of S. 68th Street, via Bennet Road, a paved mile section road.
2. The tree service center is proposed to utilize the existing garden center buildings and convert the main building into an office and residence.
3. No on premise retail is to be permitted. The majority of the work is to be conducted off the premise, at the location of the actual tree service.
4. This permit is premised on approval of C.Z. 06018, which provides for this type of special permit.
5. It should be noted that property in the three mile does have to meet the City of Lincoln noise ordinance.

6. By separate code, 27.67, the parking lot will be required to be paved to City standard.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits a tree service operation, subject to the approval of the enabling text amendment, CZ 06018.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 Revise the site plan to show the area where the tree grinding will occur.
 - 2.1.2 5 copies of the approved site plan
 - 2.2 The construction plans comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this Tree Service operation, all development and construction is to comply with the approved plans.
 - 3.2 Before occupying this tree service, City/County Health Department is to approve the water and waste water systems.
 - 3.3 All privately-owned improvements, including landscaping are to be permanently maintained by the owner.
 - 3.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.6 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Planner Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
April 12, 2006

APPLICANT: Mike and Lynn Price
24056 S. 148th Street
Filley, NE 68357

OWNER: Royce Koehler and
Rod Koehler

CONTACT: Charles Humble
301 S 13th Street, Suite 400
Lincoln, NE 68508
(402) 476-1000



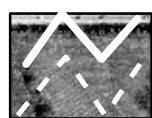
Special Permit #06025 S 68th St & Bennet Rd

2005 aerial

Zoning:

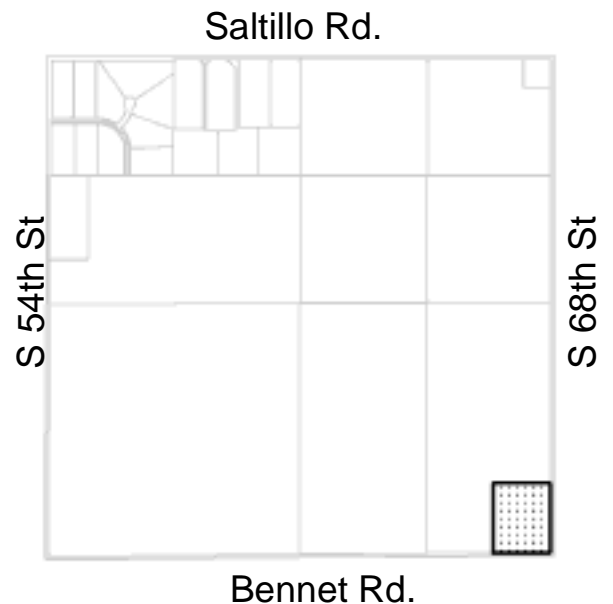
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 4 T08N R07E



Zoning Jurisdiction Lines

City Limit Jurisdiction

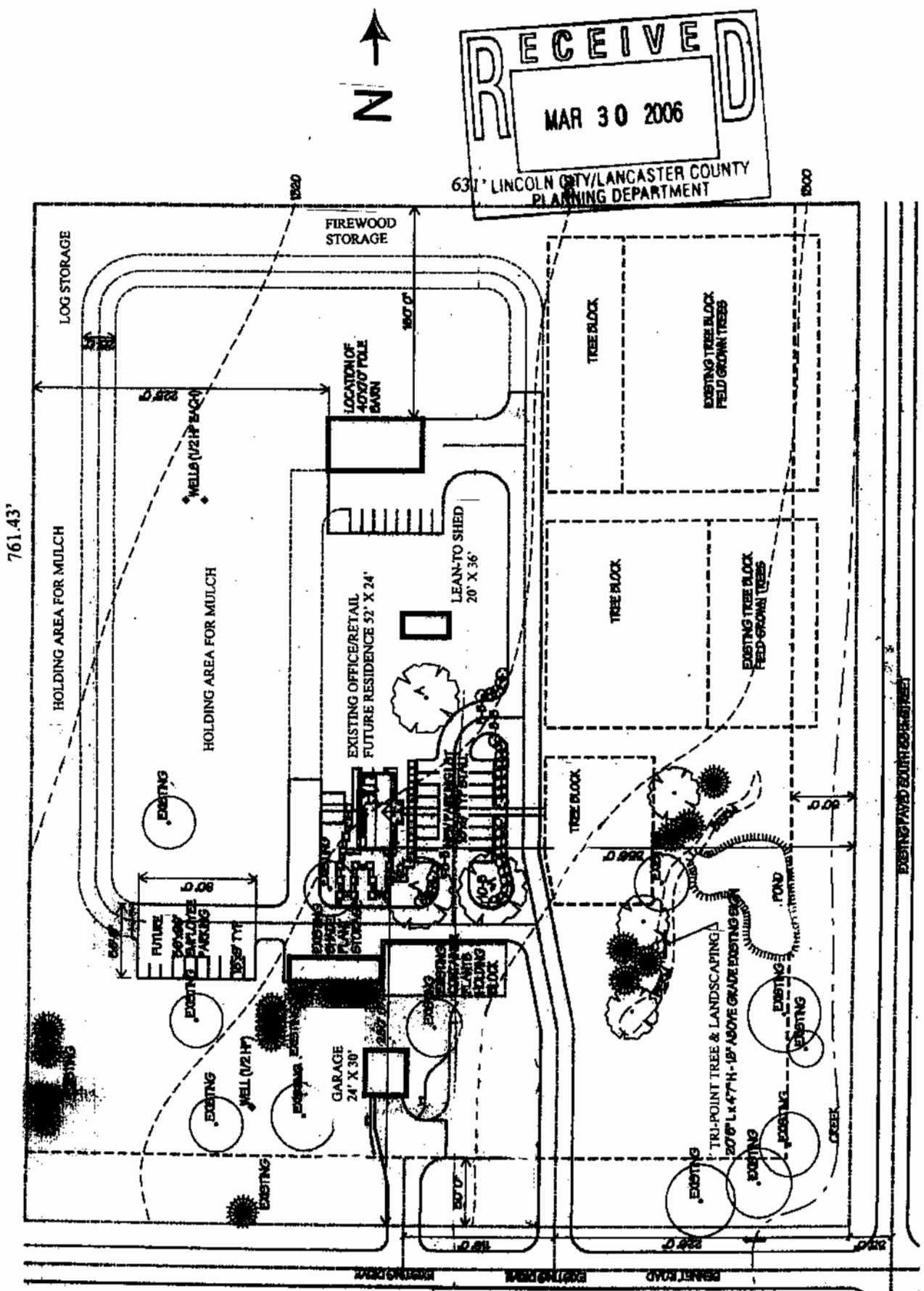


TRI-POINT TREE & LANDSCAPING

6700 BENNETT ROAD – LINCOLN, NE

LEGAL DESCRIPTION: LOT 6 I.T. IN THE SE ¼ OF SECTION 4,
TOWNSHIP 8 NORTH, RANGE 7 EAST OF THE 6TH P.M.,
LANCASTER COUNTY, NEBRASKA.

SCALE 1/2" = 50'
LOT SIZE = 761.43' X 631' (MORE OR LESS) 11.03 ACRES



RECEIVED
MAR 30 2006
631' LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Special Permit #06025
S 68th St & Bennet Rd

SPECIAL PERMIT APPLICATION

Mike and Lynn Price

Purpose Statement

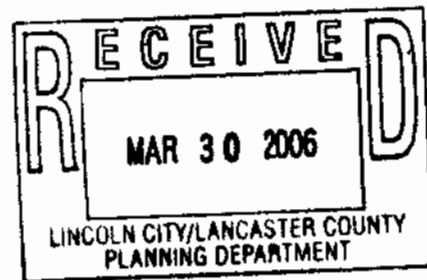
The purpose of this application for a Special Permit is to allow the location and operation of a tree service to replace the existing 2K Outdoor Living Garden Center with a tree service pursuant to Section 27.63.770 of the LMC assuming the text of the LMC relating to a tree service is ultimately approved by the City Council.

Tree service shall mean a building or premises used primarily in support of a business engaged in tree and stump removal, tree and shrub trimming, stump grinding, pin oak injection, insect and disease control, tree nutrients, processing wood chips and firewood, and land clearing. The premises may be used for the processing, and storage of tree related products and byproducts produced only by the business located on the premises and the parking of trucks, grinders and related equipment, but no retail sales of products shall be allowed on the premises.

Almost all of the work occurs off premises. The employees come to the premises in the morning and take the trucks and related equipment to the off premises work sites, returning to the premises at the close of the workday. Very rarely will any work be done on premises, but very occasionally some tub grinding and sawing would occur. The LMC noise ordinance will be followed at such times. As shown on the drawing, landscaping and tree blocks will provide buffering from adjacent properties.

The owners of the business will remodel the "office retail building" into a residence on the premises, which will aid in the control of the business and premises. No on premises retail sales will be allowed.

**Special Permit #06025
S 68th St & Bennet Rd**



CHARLES THONE
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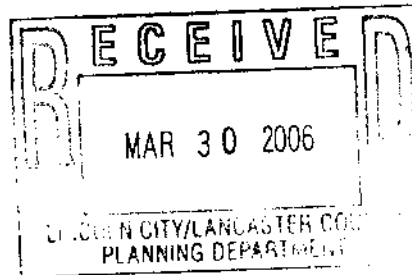
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DRIVE, SUITE 100
OMAHA, NEBRASKA 68114
(402) 397-2200

March 29, 2006

HAND DELIVERED

Marvin Krout
Director of Planning
County-City Building
555 South 10th Street
Lincoln, NE 68508



Re: Special Permit Application/Mike and Lynn Price/Tree Service
6700 Bennet Road
Our File No.: 24829.49712

Dear Mr. Krout:

Enclosed is an application for a Special Permit to place a tree service at the above-mentioned location. Also enclosed is the filing fee in the amount of \$740. This application is a follow on to the application for a text amendment to allow a tree service by special permit, which will be heard by the Planning Commission on April 12.

The application is being made at this time in order to attempt to save time in the review process should the City Council approve the text amendment.

As you will recall, during our conference of March 21 with Mike and Lynn Price, Mike DeKalb suggested that we might be able to use the drawings which were the subject of the existing approved special permit on the subject property. We have used the drawing since the proposed use of the subject property is remarkably similar to the existing use. The scale used on the drawing appears to be 1/2 inch equals 50 feet. Thank you for your consideration.

Very truly yours,

Charles D. Humble

CDH:rjj
Enclosures

Memorandum

To: Mike DeKalb, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Tri Point Tree & Landscaping Special Permit #06025
Date: April 10, 2006
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Tri Point Tree & Landscaping Special Permit #06025 located at 6700 Bennet Road. Public Works has no objections to replacing the 2K Outdoor Living Garden Center with the proposed tree service operation pursuant to Section 27.63.770 LMC text changes by City Council.



Benjamin J Higgins/Notes
04/05/2006 01:22 PM

To: Michael V Dekalb/Notes@Notes
cc
bcc
Subject: Tri Point Tree and Landscape - SP06025

Mike

No comments on this application. Thanks

Ben Higgins
Watershed Management
Public Works and Utilities
City of Lincoln, NE
(402) 441-7589

Lancaster

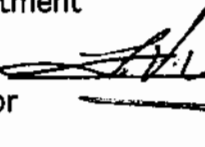
County

Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: April 3, 2006
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: TRI POINT TREE AND LANDSCAPE
SPECIAL PERMIT NO. 06025

Upon review, this office has no direct objections to this submittal

LVW/bml

